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April 12, 2017

VIA EMAIL

Environmental Protection Agency
Records, FOIA, and Privacy Branch,
Office of Environmental Information
1200 Pennsylvania Avenue (2822T), NW
Washington, DC 20460
hq.foia@epa.gov



RE: Freedom of Information Act Request

Dear Sir or Madam:

On behalf of Public Citizen, Inc., and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request:

Any and all records concerning implementation of Executive Order 13771, entitled "Reducing Regulation and Controlling Regulatory Costs," the February 2, 2017 OMB guidance entitled, "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, Titled 'Reducing Regulation and Controlling Regulatory Costs,'" or the April 5, 2017 Office of Management and Budget (OMB) guidance entitled, "Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs.'"

This request includes both records related to implementation generally and records related to the effect of implementation on any specific rule.

This request also includes any and all communications between the Environmental Protection Agency and OMB (including the Office of Information and Regulatory Affairs) related to or concerning Executive Order 13771, the Interim Guidance, or the Guidance.

If it is your position that responsive records exist but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Public Citizen

seeks each record *in its entirety*. Accordingly, please do not redact portions of any record as "non-responsive," "out of scope," or the like. Furthermore, Public Citizen requests the records constituting the entire documents containing the responsive information, including any and all information in the documents that the agency may consider "non-responsive."

I request that any records produced in response to this request be provided in electronic form wherever possible, in the form and format in which they are maintained by the agency.

Public Citizen requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) because Public Citizen does not seek the records for a commercial purpose and disclosure "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." The records requested will contribute to the public's understanding of how the Executive Order and guidance is affecting agency rulemaking, including whether agencies are not proceeding with rulemakings, or are planning to repeal regulations, because of the Executive Order and Guidance.

Public Citizen is a nonprofit membership organization that engages in research, litigation, and advocacy before Congress, the executive branch, and the courts. It fights for openness and democratic accountability in government; for social and economic justice in globalization and trade policies; for clean, safe and sustainable energy; for strong health, safety and environmental protections; for safe, effective and affordable medicines and health care; and for the right of consumers to seek redress in the courts.

Public Citizen does not have a commercial interest in the requested records; it intends to share information received from this request with the public free of charge. It regularly publishes reports based upon information acquired through FOIA. (For examples of publications distributed through the website, see the reports published on the "Government Reform Key Reports" webpage, <http://www.citizen.org/Page.aspx?pid=2917>, such as "Super Connected: Outside Groups' Devotion to Individual Candidates Undercuts Assumption in *Citizens United* That Outside Spending Would Be Independent" (Jan. 14, 2015), <http://www.citizen.org/superconnected>.) Public Citizen also has a demonstrated capacity to disseminate this information. Public Citizen has several full-time staff dedicated to distributing its publications through its website, which includes a Government Reform webpage (Public Citizen's Government Reform webpage, <http://www.citizen.org/Page.aspx?pid=533>), its newsletters, Twitter (Public Citizen's Twitter page, <https://twitter.com/PublicCitizen>), Facebook (Public Citizen's Facebook page, <https://www.facebook.com/publiccitizen>), email listserv, and press releases. Many of Public Citizen's reports, petitions, or other research products grab

headlines in major newspapers, broadcast media, social media, and academic journals. See, e.g., 2010 report: "Lies, Damn Lies and Export Statistics How Corporate Lobbyists Distort Record of Flawed Trade Deals" discussed in: Sewell Chan, *In the Form of a Study, a Salvo From the Left Questions Obama's Trade Goals*, N.Y. Times, Sept. 14, 2010, <https://nyti.ms/2koGjEC>; 2014 Report: "Mission Creep-y: Google Is Quietly Becoming One of the Nation's Most Powerful Political Forces While Expanding Its Information-Collection Empire" discussed in: Alistair Barr, *Consumer Group Questions Google's Breadth, Influence*, Wall St. J. Blog, Nov. 13, 2014, <http://on.wsj.com/1BgWmGZ/>. Public Citizen maintains four blogs (Citizen Vox, <http://www.citizenvox.org>; Consumer Law & Policy Blog, <http://pubcit.typepad.com/>; Eyes on Trade, <http://citizen.typepad.com/eyesontrade/>; and Texas Vox, <http://www.texasvox.org/>), publishes a bi-monthly newspaper (Public Citizen's News, http://www.citizen.org/pc_news_issues/2015/), and issues frequent press releases (Press releases, <http://www.citizen.org/Page.aspx?pid=2181>). Nearly every day, print and broadcast media around the world mention Public Citizen or quote its experts. See Maggie Severns and Isaac Arnsdorf, *The Trump lobbying purge that wasn't*, Politico, Jan. 18, 2017, <http://politi.co/2j7kcOL>; Eric Lipton and Susann Craig, *Trump Sons Forge Ahead Without Father, Expanding and Navigating Conflicts*, N.Y. Times, Feb. 12, 2017, <https://nyti.ms/2kzYqEg>. An archive of many of these news stories is available on its website: Public Citizen Media Hits, <http://www.citizen.org/Page.aspx?pid=4987>. Public Citizen also makes its experts available to speak to the media, at conferences, and to testify before Congress (Public Citizen's Experts, <http://www.citizen.org/Page.aspx?pid=2499>).

Accordingly, I request that you waive all fees for locating and duplicating the requested records because Public Citizen is entitled to a public interest fee waiver. If, however, a waiver is not granted, please advise me of the amount of any proposed search, review, and reproduction charges before you conduct those activities.

I expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me by phone at (202) 588-1000 or by e-mail at ssherman@citizen.org.

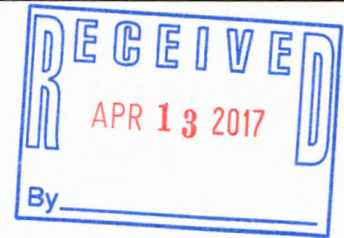
Thank you very much for your attention to this matter.

Sincerely,

Sean Sherman
Public Citizen, Inc.

Lewis, Judith

From: Sean Sherman <ssherman@citizen.org>
Sent: Wednesday, April 12, 2017 3:48 PM
To: FOIA HQ
Subject: Freedom of Information Act Request
Attachments: Public Citizen_FOIA Request_EPA.pdf



Dear Sir or Madam:

On behalf of Public Citizen, please find the attached request pursuant to the Freedom of Information Act.

Sincerely,

Sean M. Sherman
On behalf of Public Citizen, Inc.

Sean Sherman
Public Citizen Litigation Group
1600 20th Street NW
Washington, D.C. 20009
(202) 588-7739